

U.S. Department of Agriculture

Fall 2019 Statement of Regulatory Priorities

The Department of Agriculture (USDA) is implementing the Agriculture Improvement Act of 2018 (2018 Farm Bill) to serve our farmers, ranchers, foresters, and producers in a way that ensures a culture of consistent, efficient service to our customers while reducing burdens and improving efficiency.

Accordingly, USDA's fall 2019 Regulatory Agenda reflects an ongoing Federal-wide regulatory reform strategy to lower regulatory burdens on the American people. These USDA regulatory reform efforts, combined with other reform efforts, will make it easier to invest, produce, and build in rural America, which will lead to the creation of jobs and enhanced economic prosperity. To achieve results, USDA is guided by the following comprehensive set of priorities through which the Department, its employees, and external partners will work to identify and eliminate regulatory and administrative barriers and improve business processes to enhance program delivery and reduce burdens on program participants.

Executive Order 13771 - Reducing Regulation and Controlling Regulatory Costs

Executive Order 13771 directs agencies to eliminate two existing regulations for every new regulation while limiting the total costs associated with an agency's regulations. Specifically, it requires a regulatory two-for-one wherein an agency must propose the elimination of two existing regulations for every new regulation it publishes. Moreover, the costs associated with the new regulation must be completely offset by cost savings brought about by deregulation.

The Department's 2019 fall Regulatory Agenda reflects the Department's commitment to regulatory reform and continues USDA's rigorous implementation of Executive Order 13771.

USDA's 2019 fall Statement of Regulatory Priorities was developed to lower regulatory burdens on the American people by implementing and enforcing regulatory reform. These regulatory priorities will contribute to the mission of the Department, and the achievement of the long-term goals the Department aims to accomplish. Highlights of how the Department's regulatory reform efforts contribute to the accomplishment of the Department's strategic goals include the following:

The Department will ensure that programs are delivered efficiently, effectively, with integrity, and

a focus on customer service: To achieve this, USDA is working to leverage the strength and talent of USDA employees with continued dedication to data-driven enterprise solutions through collaborative governance and human capital management strategies centered on accountability and professional development. USDA will reduce regulatory and administrative burdens hindering agencies from reaching the greatest number of stakeholders. Improved customer service and employee engagement within USDA will create a more effective and accessible organization for all stakeholders.

- Improve effectiveness and efficiency of helping individuals move into work: The Food and Nutrition Act of 2008 (FNA) establishes a time limit for participation in SNAP of three months in three years for able-bodied adults without children and who are not working. FNA allows states to waive the time limit under certain circumstances. The final action would modify SNAP requirements and services for able-bodied adults without children in response to public input provided to a notice of proposed rulemaking published on February 1, 2019. For more information about this rule, see RIN 0584-AE57.
- Revision to Categorical Eligibility in the Supplemental Nutrition Assistance Program (SNAP): USDA intends to revise its regulations based on public input received from a July 24, 2019, proposal pertaining to categorically eligible Temporary Assistance to Needy Families (TANF) households participating in SNAP by limiting categorical eligibility to households that receive cash TANF or other substantial assistance from TANF. Under current regulations, households may become categorically eligible for SNAP because they receive a non-cash or in-kind benefit or service funded by TANF. Under the revised regulations, categorical eligibility conferred by any non-cash assistance would be limited to substantial ongoing assistance or services, such as child care, that have an eligibility determination process similar to cash TANF. For more information about this rule, see RIN 0584-AE62.
- Supplemental Nutrition Assistance Program (SNAP): Standardization of State Heating and Cooling Standard Utility Allowances: USDA will propose to standardize the methodology to calculate State heating and cooling standard utility allowances (HCSUA) used in determining a SNAP applicant

household's shelter expenses as part of the certification process. This would provide for a consistent approach nationally for determining HCSUA levels by eliminating the variation in HCSUA methodologies that currently exists from State to State while ensuring that these standards are aligned more closely with actual out of pocket utility expenses for low income households. For more information about this rule, see RIN 0584-AE69.

- Prior Label Approval System: Expansion of Generic Label Approval: The Food Safety and Inspection Service (FSIS) intends to propose an expansion of the categories of meat and poultry product labels that it will deem generically approved and thus not be required to be submitted to FSIS. These proposed reforms would reduce the regulatory burden on producers seeking to bring products to market as well as FSIS costs expended to evaluate the labels. Moreover, FSIS is confident that these reform proposals would have no food safety impacts based on FSIS's prior experience with the evaluation of these types of proposed categories of labels. For more information about this rule, see RIN 0583-AD78.
- OneRD Guaranteed Loan Regulation: Rural Development proposes to combine its four existing guaranteed loan regulations: 1) Water and Waste Disposal; 2) Community Facilities; 3) Business and Industry; and 4) Rural Energy for America, into a single regulation. The proposed action will enable Rural Development to simplify, improve, and enhance the delivery of these four guaranteed loan programs, and better manage the risks inherent with making and servicing guaranteed loans and will result in an improved customer experience for lenders trying to access these programs. For more information about this rule, see RIN 0572-AC43.
- Servicing Regulation for the Rural Utilities Service (RUS) Telecommunications Programs: The RUS Telecommunications Programs provide loan funding to build and expand broadband service into unserved and underserved rural communities, along with limited funding to support the costs to acquire equipment to provide distance learning and telemedicine service. RUS will propose to modify the program to give RUS greater authority to address servicing actions associated with distressed loans employing only limited coordination with the Department of Justice. This will streamline and expedite servicing actions, improve the government's recovery on such loans, and improve overall customer service. For more information about this rule, see RIN 0572-AC41.

Facilitate Rural Prosperity and Economic Development: USDA will leverage funds, stimulate private-public partnerships, and engage in collaboration to build rural infrastructure including: broadband, community facilities, safe and affordable housing, health services and facilities, and provide capacity building to help underserved communities become thriving communities.

- **Rural Broadband Grant, Loan, and Loan Guarantee Program:** To ensure that a greater number of rural Americans will have access to high speed broadband, the Rural Utilities Service will add a grant component to extend broadband service deeper into rural communities. For more information about this rule, see RIN 0572-AC46.

The Department is making it a priority to maximize the ability of American agricultural producers to prosper by feeding and clothing the world: A strong and stable agricultural sector is essential to the well-being of the overall U.S. economy. America's farmers and ranchers ensure a safe and reliable food and fuel supply and support job growth and economic development. To maintain a strong agricultural economy, USDA will support farmers in starting and maintaining profitable farm and ranch businesses, as well as offer support to producers affected by natural disasters. The Department will continue to work to create new markets and support a competitive agricultural system by reducing barriers that inhibit agricultural opportunities and economic growth.

- **Establishment of a Domestic Hemp Production Program:** The 2018 Farm Bill authorized, for the first time, the establishment of an infrastructure for the potential production and marketing of hemp as an agricultural commodity – hemp was previously regulated as a Federal controlled substance. The program would operate under State or Tribe initiated plans approved by USDA in coordination with the Department of Justice. With hemp having numerous food and fiber uses, the program would lay the foundation for a potential new and untapped market for U.S. farmers and small businesses. For more information about this rule, see RIN 0581-AD82.

- Importation, Interstate Movement, and Release Into the Environment of Certain Genetically Engineered Organisms (Part 340): The Animal and Plant Health Inspection Service (APHIS) intends to revise and update its regulations based on stakeholder input received from our proposal regarding the importation, interstate movement, and environmental release of certain genetically engineered organisms. The revisions are needed in response to advances in genetic engineering and APHIS' understanding of the plant health risk posed by genetically engineered organisms. The revisions would reduce burden for regulated entities whose organisms pose no plant health risks. For more information about this rule, see RIN 0579-AE47.

The Department will ensure productive and sustainable use of our National Forest System Lands:

USDA manages approximately 193 million acres of national forest and grass land, much of it in remote rural areas. Land management activities promote producing and sustainable use of these lands that can influence rural economies and help enable rural economic growth.

- Alaska Roadless Area Management: Based on recommendations from the State of Alaska and public input, USDA intends to propose a state-specific alternative to the 2001 Roadless Rule of the inventoried roadless areas on the Chugach National Forest in Alaska. The proposal would establish a new land classification system on the Tongass National Forest for forest management, economic development opportunities, and the exercise of valid existing rights or other non-discretionary legal authorities. For more information about this rule, see RIN 0596-AD37.
- National Environmental Policy Act Procedures Reform: The Forest Service intends to revise its National Environmental Policy Act (NEPA) regulations based on stakeholder input received from a June 13, 2019, proposal. The revisions would eliminate outdated NEPA requirements while proposing additional categorical exclusions to apply to forest restoration and timber harvest activities, administrative facility and infrastructure construction, road construction and reconstruction, road decommissioning, and special use authorizations. For more information about this rule, See RIN 0596-AD31.